

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tessa Yesselman	Team: Squad #3	CCRB Case #: 201810593	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/19/2018 10:30 PM	Location of Incident: 140 Wilson Avenue	Precinct: 83	18 Mo. SOL 6/19/2020	EO SOL 2/3/2021	
Date/Time CV Reported Thu, 12/20/2018 5:36 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 12/20/2018 5:36 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM David White	08712	961444	083 PCT
2. POM Mohammed Uddin	14787	964323	083 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Mohammed Uddin	Force: Police Officer Mohammed Uddin used physical force against § 87(2)(b)	
B.POM David White	Abuse: Police Officer David White forcibly removed § 87(2)(b) to the hospital.	
§ 87(4-b), § 87(2)(g)		

Case Summary

On December 20, 2018, § 87(2)(b) filed this complaint with the CCRB via the CCRB website. § 87(2)(b) filed this complaint on behalf of her friend, § 87(2)(b) subsequently withdrew her involvement with the complaint. § 87(2)(b) was witness to this incident, and provided a verified statement to the investigation.

On December 19, 2018, at approximately 10:30 PM, § 87(2)(b) and § 87(2)(b) were involved in a verbal and physical dispute with their Lyft driver, § 87(2)(b) § 87(2)(b) and § 87(2)(b) both placed 911 calls, and Police Officer David White and Police Officer Mohammed Uddin, both from the 83rd Precinct, responded in regards. PO Uddin brought § 87(2)(b) to the ground to prevent her from moving in front of a car (**Allegation A: Force**, § 87(2)(g) and PO White forcibly removed § 87(2)(b) to the hospital (**Allegation B: Abuse of Authority**, § 87(2)(g)).

§ 87(2)(b) (16 Board Review).

The investigation obtained body worn camera footage of this incident.

Findings and Recommendations

Allegation (A)- Force: Police Officer Mohammed Uddin used physical force against § 87(2)(b)

Allegation (B)- Abuse of Authority: Police Officer David White forcibly removed § 87(2)(b) **to the hospital.**

§ 87(2)(b) withdrew her complaint, and did not provide a statement to the investigation (**17 Board Review**).

§ 87(2)(b) (**02 Board Review**) stated that prior to getting into the dispute with § 87(2)(b) she and § 87(2)(b) had been at Alphaville Bar. § 87(2)(b) and § 87(2)(b) had both consumed a beer and a shot of Jack Daniels while at Alphaville, over the course of thirty minutes. § 87(2)(b) called a Lyft to take both of them home, and erroneously booked the ride for one passenger instead of two. When the Lyft arrived, § 87(2)(b) tried to kick § 87(2)(b) and § 87(2)(b) out of the vehicle, because § 87(2)(b) had only booked one passenger. § 87(2)(b) immediately exited the vehicle. § 87(2)(b) and § 87(2)(b) then got into a dispute, wherein § 87(2)(b) alleged § 87(2)(b) struck her in the face with a plastic water bottle, which prompted her to call 911. When PO White and PO Uddin arrived, they spoke to both § 87(2)(b) and § 87(2)(b) and § 87(2)(b) and the third passenger in the vehicle. § 87(2)(b) did not know the third passenger, and she was already in the vehicle when § 87(2)(b) and § 87(2)(b) got in. § 87(2)(b) told PO White and PO Uddin that she wanted to press charges against § 87(2)(b) PO White and PO Uddin told § 87(2)(b) that § 87(2)(b) said § 87(2)(b) had spit on him, so they were not going to fill out a report against § 87(2)(b) § 87(2)(b) repeated that she wanted to press charges, and kept telling PO White and PO Uddin as much. Approximately ten minutes later, § 87(2)(b) threw her hands up in the air and said,

“Fuck it,” and began walking away. The Lyft vehicle and PO Uddin and PO White’s police vehicle were double parked. § 87(2)(b) started to walk along the double parked vehicles, on their street side. § 87(2)(b) assumed that § 87(2)(b) was going to walk around the vehicles, and sit on the curb while § 87(2)(b) finished her conversation with PO White and PO Uddin. PO Uddin sprinted towards § 87(2)(b) and tackled her to the ground from behind. PO White looked caught off guard by PO Uddin. § 87(2)(b) and PO White walked over to where § 87(2)(b) and PO Uddin were. PO Uddin said that § 87(2)(b) was a “psych risk,” because she had tried to walk into traffic and kill herself.

PO Uddin (04 Board Review) and PO White (03 Board Review) provided statements largely consistent with each other, except where noted. PO Uddin and PO White responded to a call for a 10-39, which they thought was classified as either harassment, or verbal dispute in progress. When PO Uddin and PO White responded, they first spoke to § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) appeared to be intoxicated, because they smelled of alcohol and had bloodshot eyes. § 87(2)(b) stated that § 87(2)(b) had struck her in the eye with a water bottle. § 87(2)(b) did not see § 87(2)(b) strike § 87(2)(b) with a water bottle. One of § 87(2)(b)’s eyes was swollen, and she was angry, and wanted to press charges against § 87(2)(b). § 87(2)(b) was initially calm, and stated that the dispute had started because she did not order the ride for two passengers. PO Uddin and PO White then spoke to § 87(2)(b) and the third party passenger. § 87(2)(b) stated that § 87(2)(b) had spit on him, and that he held the water bottle to protect himself from § 87(2)(b). The third party passenger did not know who had thrown the water bottle. PO Uddin and PO White decided that they did not have enough evidence to arrest § 87(2)(b) and when they told § 87(2)(b) this, she became angrier. § 87(2)(b) kept going back and forth with PO White and PO Uddin. At some point during this interaction, § 87(2)(b) began talking about an unrelated time of when she was beat up by police officers in Florida. § 87(2)(b) then threw her hands in the air and said either, “Fuck it,” or, “Screw it,” and began walking into the street towards oncoming motor vehicle traffic. PO Uddin and PO White both thought that § 87(2)(b) was trying to kill herself by walking into oncoming traffic.

PO White stated that he tried to grab § 87(2)(b)’s arm to keep her from walking into the street, but § 87(2)(b) moved her arm away. PO Uddin followed after § 87(2)(b) and PO White went over the radio to call for an ambulance. After he called for the ambulance, he approached PO Uddin and § 87(2)(b) and helped to pull § 87(2)(b)’s arms behind her back, and put handcuffs on her.

PO Uddin stated that he had observed § 87(2)(b) start walking towards the street several times during this interaction, and that he advised her each time to get out of the street and on to the sidewalk. Each time, § 87(2)(b) stepped back from the street, but did not get on to the sidewalk. When § 87(2)(b) stepped into the street and kept walking towards the middle of the street, PO Uddin went after § 87(2)(b) to prevent her from hurting herself. PO Uddin did not know how fast the oncoming car was traveling, or how far it was from § 87(2)(b). PO Uddin ran after § 87(2)(b) and both PO Uddin and § 87(2)(b) went to the pavement. When PO Uddin caught up to § 87(2)(b) her legs appeared to go out from under her, and she fell to the ground. § 87(2)(b) flailed her entire body around on the ground, and appeared to be having a panic attack. § 87(2)(b) was crying, breathing heavily, and speaking

incoherently. PO Uddin went to the ground after § 87(2)(b) did, to prevent her from hitting her head on a vehicle or the pavement, and to keep her from otherwise injuring herself. PO Uddin did not use force to bring § 87(2)(b) to the ground. PO Uddin positioned himself under § 87(2)(b) continued to flail her entire body around. PO Uddin repeatedly told § 87(2)(b) that she was not in trouble. § 87(2)(b) repeatedly told § 87(2)(b) to calm down. PO Uddin sat § 87(2)(b) up, and then PO Uddin and PO White put handcuffs on her.

PO White's body worn camera (**09 Board Review**) shows that at the 11:30 mark, § 87(2)(b) in a brown fleece jacket, approaches § 87(2)(b) who is seated in the Lyft vehicle, and says, "Do you want to end up like me and § 87(2)(b) holding hands together, because he's white and I'm black?" § 87(2)(b) tells § 87(2)(b) that this is a separate situation, and that she needs to figure out how to handle this situation herself. At 11:46, § 87(2)(b) says, "I went to jail for being in an interracial couple, and you know that in the south. I went to jail, because we were in an interracial couple, and you don't know how fucked up that was. I'm just trying to let her know how fucked up jail is." At the 12:03 mark, § 87(2)(b) steps back towards the street and PO White says, "Watch out ma'am. Ma'am." § 87(2)(b) steps back towards the sidewalk and starts crying. At the 12:08 mark, § 87(2)(b) says, "No because you know how fucked up that situation was." At 12:16, § 87(2)(b) steps back towards the street and PO White says, "Ma'am, ma'am, can we talk on the sidewalk?" At 12:20, PO Uddin says, "Miss?" § 87(2)(b) remains in the street. At 12:30, PO White says, "Ma'am, ma'am." § 87(2)(b) is out of the frame until 14:53, when she is pictured walking in the street. At 15:17, § 87(2)(b) is pictured walking back towards the street, and PO White says, "Ma'am, ma'am, come here." At 15:18, § 87(2)(b) turns out towards the middle of the street, and PO White again says, "Ma'am, come here, come here, come here." PO White says to PO Uddin, "They're both intoxicated." § 87(2)(b) says, "No, I'm not, yeah, I had a beer, but I'm not intoxicated." § 87(2)(b) Sir, I've done nothing but be completely clear and honest to you, and I haven't done anything." PO White says, "You're not in trouble," and § 87(2)(b) replies, "No, but the fact that you're telling me that I'm just this person, and you're coming off on a level where you're completely unclear and understanding." § 87(2)(b) is not pictured in the frame. At 15:49, § 87(2)(b) is heard saying, "Fuck it, fuck it," and PO White says, "Hey!" and makes a sudden movement towards § 87(2)(b). PO White then says, "What are you doing? Get over here. Get off the street." At 15:55, PO Uddin says, "Get off the street, Miss." PO Uddin tries to move § 87(2)(b) by her shoulders. At 16:07, § 87(2)(b) is pictured on the ground, and is crying loudly. § 87(2)(b) is kicking her legs and moving her arms. At 16:13, PO Uddin is pictured crouching behind § 87(2)(b) with § 87(2)(b)'s head on his lap. § 87(2)(b) says, "Why are you reacting like this? Stop. Sydney you need to stop. Relax. Why are you freaking out?" At 16:20, PO White calls for an ambulance. At 16:30, PO Uddin appears to be trying to prop § 87(2)(b) up, so that she is seated on the ground, and § 87(2)(b) struggles to try and get away from PO Uddin. At 16:49, PO White helps secure § 87(2)(b)'s arms behind her back.

PO Uddin's body worn camera (**10 Board Review**) fell off during this interaction, but due to his proximity to PO White during the interaction, his available footage is largely similar. At the 15:30 mark, PO White is pictured pulling § 87(2)(b) back from the street.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (**15 Board Review**).
- This is the first CCRB complaint to which § 87(2)(b) has been party (**14 Board Review**).
- PO Uddin has been a member of service for one year. He has no previous complaints against him.
- PO White has been a member of service for three years. He has no previous complaints against him.

Mediation, Civil and Criminal Histories

- On April 15, 2019, a Notice of Claim Inquiry returned negative results from the NYC Comptroller's Office (**11 Board Review**).
- § 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)
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Squad No.: 3

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date